

REMARKS/ARGUMENTS

This application has been carefully reviewed in light of the Office Action dated February 21, 2007. Claims 1 through 32 are currently active in this case. Reconsideration of this application is respectfully requested.

The Examiner has objected to the disclosure because the claims begin on the same page as the end of the specification. Apparently, a typographical error occurred during the preparation of the application such that the Claims section did not begin on a new page. Applicant has amended the specification to delete the Claim heading (What Is Claimed Is:) and the text of Claim 1 from page 10. Applicant has not added anything to the specification. Thus, the specification is now in compliance with the provisions of Rule 77. It should be noted that Applicant is emphatically not deleting Claim 1 by this action.

The Examiner has objected to Claims 1 to 32 because of certain informalities regarding antecedent basis in Claims 1, 7, 8, 10 to 12, and 22 to 25. The claims have been amended to correct these informalities. Reconsideration and withdrawal of the objection to Claims 1 to 32 are requested.

Claims 1, 5, 6, 7 to 9, 12, 14, 18 to 22, 25, 27, 29, 30, and 32 have been rejected under 35 U.S.C. 102 in view of the Denber U.S. Patent No. 5,214,470 [hereinafter referred to as "Denber".] Claims 1 and 14, the independent claims of this application, have been amended more clearly to specify applicant's invention. In particular, amended Claims 1 and 14 now provide for a method and apparatus, respectively, that generate a tag containing information representing the result of the defect detection for each section of the image scanning area having the detected defect. For support in the specification for this amendment, reference is made to page 4, lines 22 to 25. Reconsideration and withdrawal of the rejection in view of the following remarks are requested.

Denber discloses a method and apparatus for compensating for dirt or etched areas on a document platen. Denber performs a first scan of the platen with no document present, and then

a second scan of the platen with the document in place. The two scans are then logical XOR together, and the results are correlated. Once a spot location is determined, the spot is erased. Denber, in contradistinction to the Examiner's position, neither suggests nor discloses a tag generated from a scan. Further, Denber certainly does not suggest generating a tag containing information representing the result of the defect detection for each section of the image scanning area having the detected defect. Denber refers to spots on the document or platen, but a spot is not the same as a tag, much less a tag containing information representing the result of the defect detection for each section of the image scanning area. The logical XORing together of pixels does not function in the same manner as the tags of in defect detection according to applicant's invention. A logical XORing of pixels is a mechanical process that does not apply any intelligence to defect detection.

Further, applicant's amended Claims 1 and 14 are nonobvious over Denber. Denber is a simple apparatus and method unconcerned with intelligently detecting and compensating for physical defects without the user's knowledge, unlike applicant's invention. Thus, a person of ordinary skill in the art would not consider modifying Denber to create applicant's claimed invention. Accordingly, reconsideration and withdrawal of the rejection to independent Claims 1 and 14 are requested.

Claims 5, 6, 7 to 9, 12, 18 to 22, 25, 27, 29, 30, and 32 are dependent upon Claims 1 and 14. For the reasons submitted above with respect to the independent claims, these claims are also believed allowable, and applicant requests such action.

Claims 2 to 4, 10, 11, 15 to 17, 23, 24, 28 and 31 have been rejected under 35 U.S.C. 103 as being unpatentable over Denber in view of the Peairs U.S. Patent No. 5,694,228 [hereinafter referred to as "Peairs."] This rejection is respectfully traversed in view of the amendments to Claims 1 and 14.

Peairs discloses a document image processor with defect detection. According to the Peairs disclosure, a list of tentative defect locations is kept, and as each document is scanned, entries are added to the list. As subsequent documents occur with the same color pixel in the

same location, a count for that tentative defect location is incremented, but if the color of the pixel in that allocation changes, the count is reduced or zeroed. If a count for a location is incremented above a predetermined threshold, the tentative defect is flagged as an actual defect, and a defect detector outputs that pixel location.

Peairs does not disclose generating tags containing information representing the result of the defect detection for each section of the image scanning area having the detected defect, as required by amended Claims 1 and 14. It is thus to be noted that Peairs does not remedy the defects of the Denber patent vis a vis Claims 1 and 14. Claims 2 to 4, 10, 11, 15 to 17, 23, 24, 28 and 31 depend from independent Claims 1 and 14, and such claims are believed allowable over the cited art. Full allowance of Claims 2 to 4, 10, 11, 15 to 17, 23, 24, 28 and 31 is requested.

Claims 13 and 26 stand rejected under 35 U.S.C. 103 as being unpatentable over Denber in view of Xu et al. U.S. Patent No. 5,761,336 [hereinafter referred to as "Xu."] This rejection is respectfully traversed in view of the amendments to Claims 1 and 14.

Xu discloses an aperture optimization method providing improved defect detection and characterization. According to Xu, an operator obtains an image of a calibration target and visually analyzes the image for defects. The operator then uses a defect detection process to analyze the image to obtain another set of defect information. The second set of defect information is compared with the visually obtained defect information to determine the accuracy of the defect detection performed by the defect detection process.

Xu does not disclose generating tags containing information representing the result of the defect detection for each section of the image scanning area having the detected defect, as required by Claims 1 and 14, the independent claims from which Claims 13 and 26 depend. It is thus to be noted that Xu does not remedy the defects of the Denber patent vis a vis amended Claims 1 and 14. Hence, these claims are believed allowable over the cited art, and their allowance is requested.

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Amendment dated April 11, 2007
Reply to Office Action of February 21, 2007

In view of the above discussion and amendments, it is respectfully submitted that the present application is in condition for allowance. Therefore, reconsideration and allowance are requested.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

No further fees are believed due in this case. However, if any additional extension and/or fee, or any fee for claims, is required, charge Account No. 12-1213.

Respectfully submitted,

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Date

Timothy Carter Pledger
Timothy Carter Pledger
Reg. No. 29,424
Attorney for Applicant

Docket No. 2003-0270.02 (OA-001)
8110 Hazen St.
Houston, TX 77036
(713) 771-4075